

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                    |   |                            |
|--------------------|---|----------------------------|
| In re              | ) | Chapter 7                  |
|                    | ) | Case No. 16-21077          |
| Derlin J. Huisman, | ) |                            |
|                    | ) | Honorable Janet S. Baer    |
|                    | ) | (Geneva)                   |
| Debtor.            | ) | Hearing Date: June 9, 2017 |
|                    | ) | Hearing Time: 11:00 a.m.   |

**COVER SHEET FOR APPLICATION FOR  
PROFESSIONAL COMPENSATION**

Name of Applicant: Elizabeth C. Berg, Trustee

Authorized to Provide  
Professional Services to: Estate

Date of Order Authorizing  
Employment: June 29, 2016

Period for Which  
Compensation is sought: July 25, 2016 to Close of Case

Amount of Fees sought: \$1,000.00

Amount of Expense  
Reimbursement sought: \$0.00

This is an: Interim Application ☐ Final Application ☒

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

| <u>Date Filed</u> | <u>Period Covered</u> | <u>Total Requested<br/>(Fees &amp; Expenses)</u> | <u>Total<br/>Allowed</u> |
|-------------------|-----------------------|--|--------------------------|
|-------------------|-----------------------|--|--------------------------|

The aggregate amount of fees and expenses paid to the Applicant to date for services rendered and expenses incurred herein is: \$0.00.

Dated: April 14, 2017

Elizabeth C. Berg, Trustee of the Estate of  
Derlin J. Huisman, Debtor

By: /s/Elizabeth C. Berg, Trustee  
Elizabeth C. Berg, Trustee

UNITED STATES BANKRUPTCY COURT  
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**Application for Allowance and Payment of Final Compensation  
of Elizabeth C. Berg, as Trustee**

Elizabeth C. Berg, not personally but solely as trustee ("Trustee") of the estate ("Estate") of Derlin J. Huisman, debtor ("Debtor"), pursuant to sections 326 and 330 of title 11, United States Code ("Code"), requests this Court to enter an order allowing and authorizing payment to Trustee of (1) \$1,000.00 as final compensation for services rendered as trustee in this case from July 25, 2016 through the close of this case. In support thereof, Trustee states as follows:

**Introduction**

1. The Debtor commenced this case on June 29, 2016 ("Petition Date") by filing a voluntary petition for relief under chapter 7 of the Code.

2. Elizabeth C. Berg is the duly appointed, qualified and acting chapter 7 trustee in this case.

3. As of the commencement of this case, the Estate held a ½ interest in a residence located at 1247 Highland Avenue, Berwyn, Illinois ("Residence"). Debtor's disabled brother resides in the Residence. The other ½ interest in the Residence is owned by a supplemental needs trust ("Trust") established for the benefit of Debtor's brother and of which the Debtor is the trustee.

4. The bar date for filing non-governmental claims in this case was December 5, 2016 and the bar date for filing governmental claims was December 27, 2016.

### **Prior Compensation and Expense Reimbursement**

5. This is the first and final application ("Application") for allowance of compensation filed by Trustee in this case.

6. Trustee has not previously received or been promised any payments for services rendered or to be rendered or expenses incurred in this case.

### **Services Rendered by Trustee**

7. Since her appointment in this case, Trustee has performed actual, necessary and valuable services on behalf of the Estate. Itemized billing statements describing the Trustee's services from the date of appointment through the close of the case are attached hereto as Exhibit A. The services rendered by Trustee since her appointment in this case include but are not limited to the following:

A. Trustee reviewed and analyzed the Debtor's Schedules of Assets and Liabilities; the Debtor's Statements of Financial Affairs; and conducted an examination of the Debtor pursuant to Section 341 of the Code;

B. Trustee researched and analyzed the estate's ½ interest in the Residence as well as the terms of the Trust. Initially Trustee investigated a potential sale of both the Estate's interest and that of the co-owner Trust's in the Residence. However, Debtor advised that he would contest any attempt by Trustee to sell the co-owners Trust's half interest under section 363(h) of the Code. As a result of the risks involved, Trustee elected to negotiate with the Debtor and ultimately reached an agreement with the Debtor to sell back the Estate's interest in the Residence to Debtor for \$4,000.00. Trustee prepared a Report of Sale and collected funds in the amount of \$4,000.00. Furthermore, Trustee also prepared her Final Report and this Final Fee Application;

C. Trustee invested and accounted for all funds received by the Estate and set up and maintained all bank accounts for the Estate;

D. Trustee set up and maintained a computerized case management system for the Estate in order to efficiently keep track of records relating to the Estate's case history, assets, claims and banking activities;

E. Trustee examined, analyzed and verified proofs of claim filed against the Estate including the validity of a claim filed against the Estate; and

F. Trustee otherwise administered this Estate and directed the allocation, liquidation and distribution of assets to creditors herein.

#### **Funds Collected and Disbursed by Trustee**

8. Trustee has collected the sum of \$4,000.00 on behalf of the Estate. Trustee has made \$15.00 in disbursements in this case as of the date hereof.

9. Copies of the *Form 1 Individual Estate Property Record and Report* and *Form 2 Cash and Receipts Record* showing the disposition of the assets of this Estate are attached to the Trustee's Final Report, filed simultaneously herewith, as Exhibits A and B, respectively.

#### **Compensation Requested**

10. During the period covered by this Application, Trustee spent 12.80 hours rendering services on behalf of this Estate with a value of \$3,358.00. Trustee estimates that she will spend an additional three hours rendering services with a value of \$675.00 to obtain approval of the final report, make a final distribution to creditors and prepare and file her final account.

11 The maximum compensation allowable to Trustee pursuant to section 326 of the Code, based upon the receipts and disbursements listed above, is \$1,000.00 as follows:

|                             |            |
|-----------------------------|------------|
| 25% of the first \$4,000.00 | \$1,000.00 |
|-----------------------------|------------|

|                              |            |
|------------------------------|------------|
| Total allowable compensation | \$1,000.00 |
|------------------------------|------------|

12. Based upon the caliber of the services rendered by Trustee, Trustee requests allowance and payment of final compensation for her services rendered as trustee from the time

of her appointment through the closing of this case in the amount of \$1,000.00. This amount represents reasonable compensation for the services rendered by Trustee and is equal to the maximum compensation allowable as set forth in paragraph 11 above.

13. After payment of the Estate's administrative expenses, as requested, Trustee anticipates that there will only be funds available to make a distribution to unsecured creditors.

14. An affidavit pursuant to Rule 2016 of the Federal Rules of Bankruptcy Procedure, executed by Elizabeth C. Berg, as trustee, is attached hereto as Exhibit B.

15. Trustee requests that the compensation requested herein be paid from the Estate funds in her possession.

#### **Status of the Case**

16. The Trustee has liquidated or abandoned (or sought to abandon) all of the assets belonging to this Estate and completed her review and analysis of the claims filed against the Estate.

17. Trustee has completed and filed her Final Report simultaneously herewith.

WHEREFORE, Elizabeth C. Berg, as trustee of the Estate of Derlin J. Huisman, Debtor requests the entry of an order providing the following:

A. Allowing to Trustee final compensation in the amount of \$1,000.00 for actual and necessary professional services rendered and to be rendered on behalf of this Estate from July 25, 2016 through the closing of this case;

B. Authorizing the Trustee to pay the amount awarded from the Estate funds held by the Trustee as part of her final distribution in this case;

C. For such other and further relief as this Court deems appropriate.

Dated: April 6, 2017

Elizabeth C. Berg, as trustee of the estate of  
Derlin J. Huisman, debtor

By: /s/ Elizabeth C. Berg, as Trustee  
Elizabeth C. Berg

Elizabeth C. Berg  
20 N. Clark St., Suite 200  
Chicago, IL 60602  
(312) 726-8150

**Trustee's Itemized Billing Statements**

**Exhibit A**

**Baldi Berg, Ltd.**  
**20 N. Clark Street**  
**Suite 200**  
**Chicago, IL 60602**

Phone: (312) 726-8150

Fax: (312) 470-6323

FEIN: 36-4352753

**Invoice submitted to:**

April 14, 2017

Invoice No: 02839

Elizabeth C. Berg, Trustee  
 Baldi Berg, Ltd.  
 20 N. Clark Street  
 Suite 200  
 Chicago, ILLINOIS 60602

**In Reference to:** *Huisman - TR Matters***Professional Services**

| <u>Date</u> | <u>Staff</u> | <u>Description</u>   | <u>Hours</u>         | <u>Charges</u> |
|-------------|--------------|--|----------------------|----------------|
| 7/25/2016   | ECB          | Conduct Debtor's 341 Meeting   | 0.20<br>\$325.00/ hr | \$65.00        |
| 9/01/2016   | JMM          | File Asset Report (.1)   | 0.10<br>\$185.00/ hr | \$18.50        |
| 9/14/2016   | ECB          | Review JDL legal memorandum re 363 (h) sales and trust's anti-alienation provisions                              | 0.30<br>\$325.00/ hr | \$97.50        |
| 9/20/2016   | ECB          | Review and revise motion to hire BB as estate counsel  | 0.20<br>\$325.00/ hr | \$65.00        |
| 10/26/2016  | ECB          | Review, approve and finalize TR annual interim report to UST on case status (.4)                                 | 0.40<br>\$325.00/ hr | \$130.00       |
| 10/26/2016  | RKP          | Review schedules to create form 1 (.1); add assets to system for form 1 (.3); prepare Form 1 for TIR (.1)        | 0.50<br>\$195.00/ hr | \$97.50        |
| 10/26/2016  | RKP          | Final review and edit of forms for TIR (.1); prepare forms for filing (.1); efile and email to UST re: same (.1) | 0.30<br>\$195.00/ hr | \$58.50        |



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| 1/11/2017 | ECB | Perform TR Qtrly review   | 0.10<br>\$325.00/ hr | \$32.50  |
| 1/18/2017 | ECB | Conduct additional investigational into the value of the property located at 1247 Highland (.8) Conduct addtl legal research re potential sale under 363(h); (.7) Analyze benefits of 363 (f) sale (.2) | 1.70<br>\$325.00/ hr | \$552.50 |
| 1/19/2017 | ECB | TC with Debtor's counsel D. Matsas re amount of claims and potential options to sell, settle or convert. Propose settlement amount (.3) Memo to file re same (.1)                                       | 0.40<br>\$325.00/ hr | \$130.00 |
| 1/24/2017 | ECB | TC with Dean Matsas re D's counter offer to settle; Memo to file re same  | 0.20<br>\$325.00/ hr | \$65.00  |
| 1/24/2017 | ECB | TR Quarterly review of case status; Update TR database re same  | 0.10<br>\$325.00/ hr | \$32.50  |
| 1/25/2017 | ECB | TC with Debtor's counsel re agreement to sell back estate's interest in RE to debtor (.1) Prep written agreement re same (.3)   | 0.40<br>\$325.00/ hr | \$130.00 |
| 1/30/2017 | ECB | Review order reassigning case to Judge Baer; Update TR database re same   | 0.10<br>\$325.00/ hr | \$32.50  |
| 2/03/2017 | ECB | Prepare Motion (1.8) , Order (.3) and Rule 2002 Notice to CRs (.4) for TRs proposed sale of Estate's 1/2 interest in RE back to Debtor  | 2.50<br>\$325.00/ hr | \$812.50 |
| 2/03/2017 | JMM | Obtain creditor matrix, draft labels and envelopes for service of Rule 2002 Notice (.7)   | 0.00<br>\$185.00/ hr | \$0.00   |
| 2/10/2017 | RKP | Review case for information to determine Estate's tax requirements for 2016 (.1); memo to E. Berg re: same (.1)   | 0.20<br>\$195.00/ hr | \$39.00  |

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|-------------------|-----|--|----------------------|------------|
| 2/20/2017         | ECB | Corres to Dean Matsas to confirm receipt of sale proceeds check; memo to JMM re deposit of same  | 0.10<br>\$325.00/ hr | \$32.50    |
| 2/21/2017         | JMM | Request EIN from IRS (.1), Send email to bank to open new bank account (.1)  | 0.20<br>\$185.00/ hr | \$37.00    |
| 2/22/2017         | JMM | TC to TCB re: error with remote deposit capture (.2), Deposit Check into IQ7 (.1), Deposit check into bank via remote deposit capture (.1)                                 | 0.40<br>\$185.00/ hr | \$74.00    |
| 2/27/2017         | ECB | Draft email to debtor's attorney re: Order approving sale and confirm same (.2)  | 0.20<br>\$325.00/ hr | \$65.00    |
| 3/07/2017         | JMM | Draft Report of Sale for Debtor's purchase of 1/2 interest in Berwyn Property (.5)   | 0.50<br>\$185.00/ hr | \$92.50    |
| 3/08/2017         | ECB | Open and approve Feb17 bank statement  | 0.10<br>\$325.00/ hr | \$32.50    |
| 3/08/2017         | JMM | Process February 2017 TCB Bank Statement (.1)<br>Reconcile Bank Statement with IQ7 (.1)  | 0.20<br>\$185.00/ hr | \$37.00    |
| 4/03/2017         | JMM | Review claims and update system with information needed to prep TFR and NFR (.6)   | 0.60<br>\$185.00/ hr | \$111.00   |
| 4/03/2017         | JMM | Draft Trustee Fee Application (1.1), Prep coversheet, affidavit and proposed order (.3), Prepare TFR (.8), and NFR (.2), Review and edit Trustee Final Report Package (.4) | 2.80<br>\$185.00/ hr | \$518.00   |
| 4/11/2017         | ECB | Review and revise TR final report package  | 0.50<br>\$325.00/ hr | \$162.50   |
|                   |     |  | Total Fees           | \$3,520.50 |
| Total New Charges |     |  |                      | \$3,520.50 |

**Baldi Berg, Ltd**

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Previous Balance \$0.00

Balance Due \$3,520.50

***Timekeeper Summary***

| <u>Name</u>        | <u>Hours</u> | <u>Rate</u> |
|--------------------|--------------|-------------|
| Elizabeth C Berg   | 7.50         | \$325.00    |
| Jason M Manola     | 4.80         | \$185.00    |
| Ricki K Podorovsky | 1.00         | \$195.00    |

**Rule 2016 Affidavit**

**Exhibit B**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re ) Chapter 7  
 )  
Derlin J. Huisman, ) Case No. 16-21077  
 )  
 ) Honorable Donald R. Cassling  
Debtor. ) (Geneva)

**Trustee's Affidavit Pursuant to Rule 2016**

State of Illinois )  
County of Cook )

I, Elizabeth C. Berg, being first duly sworn upon oath, do depose and state as follows:

1. I am the duly appointed, qualified and acting successor trustee in this case and I have personal knowledge of the facts set forth herein.

2. I have read the First and Final Application for Allowance and Payment of Compensation of Elizabeth C. Berg, as trustee ("Application") and all of the factual matters set forth therein are true to the best of my knowledge, information and belief. I or my agents pursuant to my direction performed the services and incurred the expenses set forth and described in the Application.

3. I have not entered into any agreement with any other person or persons for the sharing of compensation or expense reimbursement to be received for services rendered or expenses incurred in connection with this matter, except among the partners and associates of Baldi Berg, Ltd. a law firm at which I have been employed during the pendency of this case. I have not previously received payment of any compensation for services rendered or expense reimbursement for expenses incurred in connection with this case.

4. Further affiant sayeth naught.

  
Elizabeth C. Berg

Subscribed and sworn to before me  
on April 14<sup>th</sup>, 2017

  
Notary Public

